THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P.No.26702 of 1996

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Between
Sub Divisional Officer, ..Petitioner
Telecommunications, Dharmavaram

AND

S.Eswaraiah and another ..Respondents

JUDGMENT

7.2.2007

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.26702 of 1996

ORDER:

This writ petition has been instituted by the Sub-Divisional Officer, Telecommunications, Government of India, Dharmavaram seeking to question the correctness of the award passed by the Industrial Tribunal (Central), Hyderabad in I.D.No.45 of 1995. In fact, the Industrial Tribunal appears to have entertained series of Industrial Disputes raised by the workmen who are similarly placed like the first respondent in this case and passed awards directing the reinstatement of the workmen concerned and awarding the back wages as well. Against those awards also, the Department of Telecommunications, Government of India acting through the respective Sub-Divisional Officers have instituted writ petitions in this Court, some of them being W.P.Nos.1443 of 1995, 10667 of 1996 and 8221 of 1996 etc.,

While examining those cases, this Court had allowed the writ petitions in part and modified the award passed by the Industrial Tribunal. It will be perhaps, useful to extract the operative portion of the judgment rendered by this Court in W.P.No.10667 of 1996:

> ".. Therefore, the Tribunal was not justified in ordering reinstatement of the

> workman with all consequential benefits. However, as the 1st respondent workman had already been reinstated and regularised in the department, with reference to the reinstatement, it need not be disturbed, but, however with reference to the back wages, certainly the workman is not entitled for the back wages, as he could not be considered as a casual labour under the provisions of the Act, as the nature of the work itself was casual, which was for a specific period only.
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> Under the above circumstances, the award of the Tribunal is modified to the extent of denying the back wages and other consequential relief. In fact, this Court would have remanded the matter for fresh consideration, in view of the absence of specific finding as to the nature of the work as well as with regard to the number of days, the workman had worked. But, in view of the subsequent events that the workman was already taken back into the service and his services were seven regularised, the award of the Tribunal is modified only to the extent of denying back wages and other incidental benefits, which were granted under the Award."

Same is the view expressed by this Court in the judgments rendered in W.P.No.1443 of 1995 as well as in W.P.No.8221 of 1996.

The learned counsel for the workman in this case -- Sri Suryanrayana has fairly pointed out that though the view entertained by this Court while deciding these three writ petitions is debatable, yet, the

awards passed by the Industrial Tribunal (Central), Hyderabad in similar cases has since been modified by altering the award to the extent of awarding back wages are concerned, the issue raised in this writ petition is covered by those decisions.

Since, both the sides have represented that the issue is covered by the judgment rendered by this Court in W.P.No.10667 of 1996, I prefer to follow the same and pass orders on the same terms as were set out in the judgment rendered in W.P.No.10667 of 1996.

The writ petition stands disposed of accordingly. No costs.

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NOOTY RAMAMOHAN RAO.J.

7.2.1.2007
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